

# **Woburn Planning Board's Land Subdivision Rules and Regulations** **2002 Edition**

## **I. INTRODUCTION**

### **A. TITLE, AUTHORITY AND PURPOSE**

#### **1. TITLE**

These rules and regulations shall be known and may be cited as the "Woburn Land Subdivision Rules and Regulations" which herein are called "these Rules and Regulations".

#### **2. AUTHORITY**

These Rules and Regulations are hereby adopted by virtue of and pursuant to the authority granted the Planning Board of the City of Woburn by Chapter 41, Sections 81- K through 81-GG of the General Laws of the Commonwealth of Massachusetts as now existing or hereafter amended (herein called the "Subdivision Control Law").

#### **3. PURPOSE AND OBJECTIVES**

The powers of the Planning Board of the City of Woburn, granted to it under the Subdivision Control Law, are exercised for the purpose of promoting the safety, convenience and welfare of the residents of Woburn and adjoining communities which may be impacted by the construction of a subdivision in Woburn by:

- identifying and securing, for present and future residents, the beneficial impacts of growth and development;
- identifying and avoiding the negative impacts of growth and development; and
- ensuring that future growth and development is of a type and design, and is in a location served by adequate public services and facilities.

These Rules and Regulations are intended to achieve those purposes by:

- a. providing adequate access to all of the lots in a subdivision by streets that will be safe and convenient for travel;
- b. lessening congestion in such streets and in the adjacent public streets;
- c. reducing danger to life and limb in the operation of motor vehicles;
- d. securing safety in the case of fire, flood, panic and other emergencies;
- e. insuring compliance with the frontage, access and all other applicable provisions of the Woburn Zoning Ordinance;

- f. securing adequate provision for water, sewerage, drainage, underground utility services, including, but not limited to, electrical and communication services, fire, police, and other services where necessary in a subdivision;
- g. coordinating the streets in a subdivision with each other and with the public streets in neighboring subdivisions;
- h. encouraging the use of solar energy and protecting the access to direct sunlight of solar energy systems; and
- i. establishing reasonable safeguards to protect other properties, which may be potentially impacted by subdivision construction.

## **B. DEFINITIONS**

For the purpose of these rules and regulations, unless a contrary intention clearly appears, the terms and words defined in the Subdivision Control Law shall have meaning given therein.

Terms and words not defined herein, but defined in the Massachusetts Building Code, shall have the meaning given therein. Words defined in neither place shall have meaning given in Webster's Unabridged Dictionary, latest addition. Other terms and words used in this text shall have the following meanings:

**APPLICANT**: Either the owner of the land stated in the application for subdivision or all the owners where title is held jointly, in common, or in tenancy by the entirety including corporations. An agent, representative or his assigns may act for an owner, provided written evidence of such fact is submitted. Evidence in the form of a list of their officers and designated authority to sign legal documents shall be required for a corporation.

**BOARD**: The Planning Board of the City of Woburn.

**CERTIFIED BY**: (or endorsed by) the Planning Board, as applied to a plan or other instrument required or authorized by the Subdivision Control Law to be recorded, shall mean, bearing a certification of endorsement signed by a majority of the members of the Planning Board, or by its Chairman, or clerk, or any other person authorized by it to certify or endorse its approval, or other action and named in a written statement to the Register of Deeds and Recorder of the Land Court, signed by a majority of the board.

**COLLECTOR STREET**: A street intersecting one or more minor streets, which, in the opinion of the board, is used or will be used to carry a substantial volume of traffic from such minor street(s) to a major street or community or facility and normally including the principal entrance street of a subdivision and any principal circulation streets within such a subdivision.

**CUL-DE-SAC; SHORT** - A street having a maximum length of 200-feet and serving a maximum of four (4) single family house lots/dwellings, and having no possibility of extending or serving as a means of access to other dwellings or properties.

**CUL-DE-SAC**: A minor street intersecting another street at one end and terminated at the other by a permanent turnaround for a vehicle.

**DEFINITIVE PLAN**: Shall mean a plan of a proposed subdivision or re-subdivision of land drawn in black ink upon sheets of tracing cloth or drafting film at a minimum size of 20 inches by 30 inches, showing (a) the subdivision name, boundaries, true north point, date and scale; (b) names and addresses of record owner(s) and applicant(s); and name of the engineer and surveyor who prepared the plan; (c) names of all abutters, as determined from the most

recent local tax list; (d) existing and proposed lines of streets, right-of-ways, easements, and any public or common areas within the subdivision; (e) location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision; (f) boundary lines, areas in square feet and dimensions of all proposed lots; (g) sufficient data including lengths, bearing radii, and central angles to determine the exact location, direction and length of every street and way line, lot line and boundary line and to establish these lines on the ground; (h) location of all permanent monuments and bench marks and each lot marker, properly identified as to whether existing or proposed; (i) location of natural waterways and water bodies within and adjacent to the subdivision; (j) existing and proposed topography at 2-ft. contour intervals, size, material type and location of existing and proposed storm drains, water mains and sewers; (k) location, type and specifications for proposed sewer and water systems (see Section II. 2.E for additional requirements).

**DRAINAGE**: Shall mean the control of water on the tract of land to be subdivided and abutting land.

**ENGINEER**: A person registered or legally permitted to practice professional engineering in the Commonwealth of Massachusetts as a Civil Engineer (as stated in 250 CMR 3.00 - 6.00).

**LOT**: Shall mean an area of land under one ownership with definitive boundaries, used, or available for use, as the site of one or more buildings. The term "one ownership" means an undivided ownership by one person or by several persons whether the tenure be joint, in common, or by the entirety.

**MINOR STREETS**: Streets, which provide primarily access to abutting properties

**MUNICIPAL SERVICE**: Shall mean public utilities furnished by the city or town in which a subdivision is located, such as water, sewerage, gas and electricity.

**NEW STREETS. DRIVEWAYS OR STREET OPENINGS (CURB CUTS)**: No alteration shall be made without first securing a new permit (see street design standards Table II, Page 40) for street openings.

**OWNER**: As applied to real estate, the owner of record as shown by the records in the Middlesex South Registry of Deeds or Middlesex South Land Court Registry.

**PLANNING BOARD**: Shall mean a planning board established under section eighty-one A, or a board of selectmen acting as a planning board under said section, or a board of survey in a city or town which has accepted the provisions of the subdivision control law as provided in section eighty-one N or corresponding provisions of earlier laws, or has been established by special law with powers of subdivision control.

**PRELIMINARY PLAN**: Shall mean a plan of a proposed subdivision or re-subdivision of land drawn on tracing paper, or a print thereof, showing (a) the subdivision name, boundaries, north point, date, scale, legend and title "Preliminary Plan"; (b) the names of the record owner and the applicant and the name of the designer, engineer or surveyor; (c) names of all abutters, as determined from the most recent local tax list; (d) the existing and proposed lines of streets, ways, easements and any public areas within the subdivision in a general manner; (e) the proposed system of drainage, including adjacent existing natural waterways, in a general manner; (f) the approximate boundary lines of proposed lots, with approximate areas and dimensions; (g) the names, approximate location and widths of adjacent streets; and (h) the topography of the land in a general manner.

**PRIMARY ARTERIAL STREET**: Highways, which connect states with states and form part of the Federal Highway System.

**RECORDED**: Shall mean recorded in the South Middlesex County Registry of Deeds, except that, as affecting registered land, it shall mean filed with the Recorder of the Land Court.

REGISTER OF DEEDS: Shall mean the register of deeds of the county or district in which the land in question or the city or town in question is situated, and when appropriate shall include the recorder of the land court.

REGISTERED MAIL: Shall mean registered or certified mail.

REGISTRY OF DEEDS: Shall mean the registry of deeds of the county or district in which the land in question is situated, and, when appropriate, shall include the land court.

ROADWAY: The portion of a street intended for vehicular use, i.e., the traveled way.

SECONDARY ARTERIAL STREET: Highways, which connect cities and towns within a particular-State and form part of the State Highway System.

SUBDIVISION: Shall mean the division of a tract of land into two or more lots and shall include the re-subdivision, and when appropriate to the context, shall relate to the process of subdivision of the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the Subdivision Control Law, if, at the time it is made, every lot within the tract so divided has frontage on (a) a public way, or a way which the Clerk of the City certifies is maintained and used as a public way; or (b) a way shown on a plan theretofore approved in accordance with the Subdivision Control Law; or (c) a way in existence when the Subdivision Control Law became effective in the City, having in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other such ordinance, if any, of the City for erection of a building on such lot, and if no distance is so required, such frontage shall be of least 20-ft. Conveyances or their instruments adding to, taking away from, or changing the size and shape of lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the Subdivision Control Law went into effect in the City into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

SUBDIVISION CONTROL: The power of regulating the subdivision of land granted by the Subdivision Control Law.

SUBDIVISION, TYPE I: A subdivision for single-family residences.

SUBDIVISION, TYPE II: A subdivision for multi-family residences.

SUBDIVISION, TYPE III: A subdivision for business or industrial purposes. Not Type I or II above.

SURVEY: Cadastral, original, retracement and data accumulation survey as defined by 250 CMR 6.01 and 6.02. Statements as to the type of survey performed should be included under plan contents.

SURVEYOR: A person registered or legally permitted to practice land surveying in the Commonwealth of Massachusetts (as stated in 250 CMR 3.00 - 6.00).